

**MADISON ADJUSTMENTS AND APPEALS BOARD
MINUTES OF THE AUGUST 5, 2010
REGULAR SCHEDULED MEETING**

The City of Madison Adjustments and Appeals Board held their scheduled meeting on July 1, 2010 at 5:30 p.m. in the City Council Chambers located in Madison Municipal Complex, 100 Hughes Road, Madison, Alabama. Chairperson Betty Fletcher called the meeting to order at 5:30 pm. Attendance was as follows:

Betty Fletcher, Chairperson	Present
Troy Wesson	Present
Patrick Nelson	Present
Fredrick Davey	Present
John Horch	Present
Supernumeraries	
Ted Whitney	Present
Tim Malueg	Absent

Staff Present: Amy Furfori, Director of Community Development and Planning; Johnny Blizzard, Chief Planner; Kelly Butler, City Attorney; Sherri Blair, Zoning Administrator and Recording Secretary

Public Attendees (as registered): Dale Bright; Betty Hamrick; Dale Seals; Debra Moder; Stuart Whitener; Don Beck.

This Board is composed of five persons (with two supernumeraries), is empowered by the Alabama State Legislature, but appointed by the City Council, and charged with hearing petitions for relief from a literal and strict application of the Zoning Code. Cases are heard in the order in which they are filed. Motions are made in the positive and each case requires a positive vote of at least four members. (A simple majority will not approve an action). The burden of proof for Variances and Special Exceptions rests with the petitioner. Any party aggrieved by any decision of this Board may, within fifteen days, file a written notice of appeal to the Circuit Court.

Approval of Minutes

The first order of business was the approval of minutes from the July 1, 2010 meeting. Mrs. Fletcher asked board members for requested changes and/or corrections, if any. Board members requested one change and/or correction and Mrs. Fletcher entertained a motion.

Motion: Mr. Davey moved to approve the minutes as corrected. Mr. Nelson seconded the motion and the vote was as follows:

Betty Fletcher	Abstain
Troy Wesson	Abstain
Patrick Nelson	Aye
Fredrick Davey	Aye
John Horch	Aye

Motion Approved

Petitions and Formal Requests for Action

1. **Case #1053** – 210 Arnett Street – A request for a variance to section 4-3-3(2) to reduce the side yard setback from 10 feet to 8 feet.

Johnny Blizzard stated that the information on the application and public notice was incorrect and therefore would be re-advertised and heard at a later date.

2. **Case #1054** – 114 Westchester Road - A request for a variance to section 7-5-4 to increase the maximum allowable sign area and to increase the number of attached accessory signs. This property is currently zoned M-1 Restricted Industrial

Request: Debra Mader presented request including handouts to board members. She stated that the letters that are currently on the building would be replaced and channel letters would be added to the sides of 3 buildings. The channel letters will not flash or be neon.

Public Comment: No comment

Board Comment: Mrs. Fletcher asked whether channel letters are considered a sign to which Johnny Blizzard answered yes. Mr. Nelson questioned whether a variance for the orange letters was needed to which Johnny Blizzard stated no. Mrs. Fletcher read item 3 of staff recommendation which suggested a business center sign instead. Board and staff discussed business center signs; lack of hardship experienced by applicant and amount of permitted signage.

Motion: Mr. Wesson moved to approve case #1054, a request for a variance to section 7-5-4 to increase the maximum allowable sign area and to increase the number of attached accessory signs. Dr. Horch seconded the motion and the vote was as follows:

Betty Fletcher	Nay
Troy Wesson	Nay
Patrick Nelson	Nay
Fredrick Davey	Nay
John Horch	Nay

Motion Denied

3. **Case #1056** – 318 Cliftworth Place - A request for a variance to section 4-1-3(2) to reduce the side yard setback from 15 feet to 10 feet. The property is currently zoned R-1A, Low Density Residential District

Request: Mr. Whitener presented his request for a reduction in the side yard setback of 15 feet in order to build a detached garage on his property. The reduction will allow him to park in the garage stall.

Public Comment: No comment

Board Comment: Dr. Horch questioned proportionality and Johnny Blizzard stated it will be in compliance.

Motion: Dr. Horch moved to approve case #1056, a request for a variance to section 4-1-3(2) to reduce the side yard setback from 15 feet to 10 feet. Mr. Nelson seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Troy Wesson	Aye
Patrick Nelson	Aye
Fredrick Davey	Aye
John Horch	Aye

Motion Carried

4. **Case #1057** – 147 Hughes Road - A request for a variance to sections 7-5-3(2) and 7-6-10(c) to increase the height of an accessory ground sign from 15 feet to 25 feet and the area from 100 feet to 110.5 feet. The property is currently zoned B-2, Community Commercial District

Request: Dale Bright, St. John and Associates presented the request and stated Jack's had concerns that a compliant sign would not be seen by southbound traffic until too late to get into the turn lane and enter the restaurant's parking lot. Johnny Blizzard stated that the area of the sign would not need to be increased as requested.

Public Comment: No comment

Board Comment: Mr. Nelson questioned whether the hill on Hughes Road creates a hardship to which Johnny Blizzard stated that Jack's will be a destination service and should not present a hardship. Discussion of alternate locations for the sign as well as sign conformity ensued.

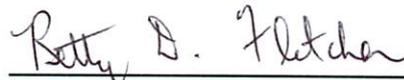
Motion: Mr. Wesson moved to approve case #1057, a request for a variance to sections 7-5-3(2) to increase the height of an accessory ground sign from 15 feet to 25. Mr. Nelson seconded the motion and the vote was as follows:

Betty Fletcher	Nay
Troy Wesson	Nay
Patrick Nelson	Aye
Fredrick Davey	Nay
John Horch	Aye

Motion Denied

With no further business before the Board, the meeting was adjourned at 6:22 p.m.

Approved:



**Betty Fletcher, Chairperson
Adjustments and Appeals Board**

Attest:



Sherri W. Blair, Recording Secretary